

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHNATHAN SCOTT COOPER,

Defendant.

CR 20-42-BLG-DLC

ORDER

Before the Court is United States Magistrate Judge Timothy J. Cavan's Findings and Recommendation. (Doc. 32.) Neither party objected and therefore they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan recommends that this Court accept Mr. Cooper's guilty plea after he appeared before him pursuant to Rule 11 of the Federal Rules of Criminal Procedure, and entered a guilty plea to Count II of the Indictment (Doc. 11 at 2), possession of an unregistered silencer, in violation of 18 U.S.C. §§ 5841 and

5861(d). The Court finds no clear error in Judge Cavan's Findings and Recommendation (Doc. 32) and will adopt it in full.

Accordingly, IT IS ORDERED that Judge Cavan's Findings and Recommendation (Doc. 32) is ADOPTED in full.

IT IS FURTHER ORDERED that Mr. Cooper's motion to change plea (Doc. 23) is GRANTED and he is adjudged guilty as charged in Count II of the Indictment (Doc. 11).

DATED this 4th day of December, 2020.



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Dana L. Christensen  
Dana L. Christensen, District Judge  
United States District Court